

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

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UNITED STATES OF AMERICA

*

v.

*

CRIMINAL NO. JKB-14-0423

RAFAEL CHIKVASHVILI

*

Defendant/Petitioner

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MEMORANDUM AND ORDER

Now pending before the Court is the Defendant/Petitioner's MOTION TO VACATE OR CORRECT ILLEGAL SENTENCE (ECF No. 298). The Government has responded (ECF No. 303) and the Defendant/Petitioner has replied (ECF No. 304). The Motion will be DENIED.

The Court has carefully reviewed the Defendant/Petitioner's Motion as well as his Reply. The undersigned is intimately familiar with the record, having presided during the hearings and pretrial motions and during the trial, and having reviewed those proceedings again upon the filing of this Motion. The Court has focused on the specific accusations of error leveled by the Defendant's new lawyer. The Motion is not convincing.

Defense counsel make tactical decisions when representing their clients before and during trial. A myriad of factors and issues are considered when the hundreds of key decisions are made over the course of a proceeding. The law grants counsel wide latitude in appreciation for the reality that criminal defense work is as much an art as is it a science. Would different lawyers make different decisions in the circumstances presented by this record? No doubt. But no decision made by trial counsel in this case reflects advocacy below the standard required by *Strickland*, let alone cause the prejudice that must also obtain.

Mr. Chikvashvili received the effective assistance of counsel. Accordingly, the MOTION TO VACATE OR CORRECT ILLEGAL SENTENCE (ECF No. 298) is DENIED.

DATED this 17th day of April, 2019.

BY THE COURT:

_____/s/_____
James K. Bredar
Chief Judge